



**The Deputy Secretary of Energy**  
Washington, DC 20585

July 29, 2008

The Honorable A. J. Eggenberger  
Chairman  
Defense Nuclear Facilities Safety Board  
625 Indiana Avenue, NW, Suite 700  
Washington, DC 20004-2901

Dear Mr. Chairman:

Your letter to former Deputy Secretary Sell dated February 5, 2008, stated that the Defense Nuclear Facilities Safety Board (Board) felt that it was appropriate to require independent validation of the implementation of safety basis controls and that the Department of Energy (DOE) should consider performing independent validations on a recurring basis to ensure the facility, equipment, procedures, and personnel training have not degraded over time. The Board concluded that the defense nuclear complex would benefit from requirements and guidance from DOE Headquarters for independent validations of safety basis controls and requested a report on DOE's evaluation of the need for such requirements and guidance, and any action taken or to be taken by DOE in this area.

The Office of Health, Safety and Security (HSS) coordinated with the Central Technical Authorities for Energy, Science and the National Nuclear Security Administration to evaluate current requirements for validation of safety basis controls and their implementation. The results of the evaluation are provided in the enclosed report. We have concluded that existing requirements for the implementation of safety controls contained in 10 CFR 830, *Nuclear Safety Management*, and DOE Orders appropriately focus on holding contractors responsible for proper implementation and validation of controls as part of their work practices that are governed by their quality assurance programs. DOE Order 226.1A, *Implementation of Department of Energy Oversight Policy*, requires DOE to oversee contractors' implementation of nuclear safety requirements, but does not explicitly require validation of safety basis controls.

Even though DOE does not explicitly require validation of safety basis controls in its Directives, DOE site offices do evaluate the implementation of safety basis controls as part of their oversight of contractors' programs. However, given the importance of safety basis controls, we consider it appropriate to provide guidance in this area. We plan to complete such guidance next year. In addition, guidance on validation of safety controls will be added to DOE standards for performing facility startup reviews and for DOE's safety system oversight program, both of which are currently under development.

If you have any questions on this matter, please contact Dr. James O'Brien at (301) 903-1408.

Sincerely,



Jeffrey F. Kupfer

Enclosure



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